

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

PEDRO CHAPARRO

VS.

STATE FARM LLOYDS

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CIVIL ACTION NO.:_____

(JURY DEMANDED)

PETITION PROVIDING NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW Defendant **STATE FARM LLOYDS** (“State Farm”), pursuant to 28 U.S.C., §1446, filing this its ***Petition Providing Notice of Removal*** and for cause as follow:

I.

Plaintiff **PEDRO CHAPARRO** instituted this civil action against Defendant **STATE FARM LLOYDS** in the 332nd District Court of Hidalgo County, Edinburg, Hidalgo County, Texas. True copies of the process and pleadings from the state court litigation are contemporaneously filed.

II.

This action is properly removable under 28 U.S.C., §1441(a) because the United States District Court has original jurisdiction pursuant to 28 U.S.C., §1332(a). This action is timely removable pursuant to 28 U.S.C., §1446(b). Defendant first received notice of this suit when it was served with Citation on June 13, 2017 and this removal petition is filed within 30 days thereafter.

III.

The Plaintiff is a natural person and resident of the State of Texas. Defendant State Farm Lloyds is an association of underwriters, whose citizenship for traditional diversity purposes is defined by the citizenship of its underwriters. See *Cronin v. State Farm Lloyds*, No. 08-1983, 2008 WL 4649653 (S.D. Tex. Oct. 10, 2008). None of Defendant State Farm

Lloyds' underwriters are citizens of Texas. All of its underwriters are citizens of Illinois. "State Farm Lloyds is a domestic 'Lloyds Plan' unincorporated association of members, as contemplated by Texas law." *Massey v. State Farm Lloyds Ins. Co.*, 993 F. Supp., 568, 569 (S.D. Tex. 1998); *see Royal Ins Co. of Am. v. Quinn-L Capital Corp.*, 3 F.3d 877, 882, 883 (5th Cir. 1993), *citing Carden v. Arkoma Assoc.*, 494 U.S. 185 (1990). "[F]or purposes of determining whether diversity jurisdiction exists, we conclude the members of a Lloyds group are the underwriters alone." *Massey*, 993 F. Supp. at 569.

IV.

Plaintiff pleads insurance contract and claim handling causes of action allegedly arising from a storm event on or about May 11, 2015. Plaintiff's Original Petition, ¶ 1.2, recites that Plaintiff seeks monetary damages "aggregating \$100,000 or less." The Original Petition is replete with numbered paragraphs setting forth various vague common law and statutory causes of action, seeking monetary recovery for actual, economic, statutory "additional" damages, and attorney's fees. Plaintiff's pleading fails to plead his "maximum" damages, including attorney's fees, as required by Rule 47 of the Texas Rules of Civil Procedure. The amount in controversy satisfies the "threshold" requirements of 28 U.S.C., §1332(a). Defendant exercises timely removal jurisdiction.

V.

Notice of Removal to the United States District Court has been provided to the **332nd** District Court of Hidalgo County, Edinburg, Hidalgo County, Texas, from which this suit originated and to counsel for Plaintiff.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Lloyds prays that this action be removed to the United States District Court for the Southern District of Texas, McAllen Division; that it be afforded judgment; and, for such other and further relief that it may be entitled.

Respectfully submitted,

By: /s/ Scott T. Clark
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Attorney-in-charge for DEFENDANT,
STATE FARM LLOYDS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was forwarded to the following counsel of record on this the 7th day of July, 2017:

Christopher D. Bertini
THE BERTINI LAW FIRM, P.C.
1984 Trube Estate Building
2415 Market Street
Galveston, Texas 77550
Counsel for Plaintiff Pedro Chaparro

*Via e-service: cbertini@bertinilaw.com
& email*

/s/ Scott T. Clark
SCOTT T. CLARK